

Robert T. Quackenboss  
*rquackenboss@HuntonAK.com*  
HUNTON ANDREWS KURTH LLP  
2200 Pennsylvania Ave., NW  
Washington, DC 20037  
Tel: (202) 955-1950

Thomas R. Waskom (admitted *pro hac vice*)  
*twaskom@HuntonAK.com*  
Meghan A. Podolny (admitted *pro hac vice*)  
*mpodolny@HuntonAK.com*  
HUNTON ANDREWS KURTH LLP  
951 East Byrd Street  
Richmond, Virginia 23219  
Tel: (804) 788-8403

Lukas Moffett (admitted *pro hac vice*)  
*lmoffett@HuntonAK.com*  
HUNTON ANDREWS KURTH LLP  
1445 Ross Avenue, Suite 3700  
Dallas, TX 75202  
Tel: (214) 979-2908

*Counsel for Defendant Walmart Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JACQUELINE RAMOS and EDWIN  
JOHNSON, individually and on behalf of all  
others similarly situated,

*Plaintiffs,*

v.

WALMART INC.,

*Defendant.*

Case No. 2:21-cv-13827-BRM-AME

Hon. Brian R. Martinotti, U.S.D.J.  
Hon. Andre M. Espinosa, U.S.M.J.

**NOTICE OF DEFENDANT'S APPEAL OF MAGISTRATE JUDGE'S  
DISCOVERY ORDER, OR IN THE ALTERNATIVE, MOTION FOR  
JUDGMENT ON THE PLEADINGS**

**PLEASE TAKE NOTICE** that on September 6, 2022, or as soon thereafter as possible,

Defendant Walmart Inc. (“Walmart”), by and through its undersigned counsel, shall appeal Magistrate Judge Espinosa’s July 29, 2022 Discovery Order (ECF No. 77) and in the alternative, move for a judgment on the pleadings (hereinafter, “Appeal and Motion in the Alternative for Judgment on the Pleadings”) in the above-captioned matter. Walmart appeals the Magistrate Judge’s Order pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Local Rule 72.1(c)(1)(A), and moves in the alternative for a judgment on the pleadings under Federal Rule of Civil Procedure 12(c).

**PLEASE TAKE FURTHER NOTICE** that Walmart appeals the Magistrate Judge’s ruling with respect to “Issue 4” in the July 29, 2022 Discovery Order (ECF No. 77 at 2, 4)—*i.e.*, the Magistrate Judge’s ruling that in determining the proper temporal scope of written discovery pertaining to Plaintiffs’ claims under the Pennsylvania Criminal History Record Information Act (“CHRIA”), he does not have authority to determine the “ultimate issue” of the applicable statute of limitations of Plaintiffs’ CHRIA claims. Walmart raises this appeal on the ground that the Magistrate Judge does in fact have such authority under the Federal Magistrates Act. 28 U.S.C. § 636(b)(1)(A). In the alternative, Walmart moves the Court to issue a judgment on the pleadings setting forth the statute of limitations for Plaintiffs’ CHRIA claims. This Court should find that the statute of limitations for Plaintiffs’ CHRIA claims is two years, pursuant to 42 Pa.C.S.A. § 5524(7).

**PLEASE TAKE FURTHER NOTICE THAT** in support of the Appeal and Motion in the Alternative for Judgment on the Pleadings, Walmart submits the accompanying Brief and Declaration of Thomas R. Waskom.

A proposed form of order is submitted herewith.

Dated: August 12, 2022

Respectfully submitted,

/s/ Robert T. Quackenboss

Robert T. Quackenboss

*rquackenboss@HuntonAK.com*

HUNTON ANDREWS KURTH LLP

2200 Pennsylvania Ave., NW  
Washington, DC 20037  
Tel: (202) 955-1950

Thomas R. Waskom (admitted *pro hac vice*)  
*twaskom@HuntonAK.com*  
Meghan A. Podolny (admitted *pro hac vice*)  
*mpodolny@HuntonAK.com*  
HUNTON ANDREWS KURTH LLP  
951 East Byrd Street  
Richmond, Virginia 23219  
Tel: (804) 788-8403

Lukas Moffett (admitted *pro hac vice*)  
*lmoffett@HuntonAK.com*  
HUNTON ANDREWS KURTH LLP  
1445 Ross Avenue, Suite 3700  
Dallas, TX 75202  
Tel: (214) 979-2908

*Counsel for Defendant Walmart Inc.*

**CERTIFICATE OF SERVICE**

I, Robert T. Quackenboss, counsel for Defendant Walmart Inc., hereby certify that on August 12, 2022, the foregoing document was served via the Court's CM/ECF filing system on all counsel of record.

/s/ Robert T. Quackenboss

Robert T. Quackenboss